

REMARKS

I. Introduction

Claims 19-40 are pending in the present application. Claims 19, 21, 25-28, 30 and 34-36 have been rejected, and claims 20, 22-24, 29, 31-33 and 37-40 have been objected to. Claims 19-21 and 28-30 have been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are in allowable condition.

II. Drawings

In response to the Examiner's objection to the drawings, the boxes in the drawings have been labeled, and missing reference numerals 36, 38, 48 and 50 have been added to the drawings. Replacement drawing sheets containing the corrections are enclosed.

III. Rejection of Claims 19, 21, 25-28, 30 and 34-36 under 35 U.S.C. § 102(b)

Claims 19, 21, 25-28, 30 and 34-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 2,744,282 ("the Dyer et al. reference"). Applicant respectfully submits that the Dyer et al. reference fails to anticipate claims 19, 21, 25-28, 30 and 34-36.

Initially, it should be noted that claims 19-21 and 28-30 have been amended to more clearly point out the differences between the claimed subject matter and the Dyer et al. reference. Amended independent claim 19 recites "a control device to compensate for changes in clearances of the mechanical system," and independent claim 28 has been amended to recite similar limitations. While the Examiner contends that the back-lash

eliminator of the Dyer et al. reference compensates for “clearances of the mechanical system as a function of the load on the blade and the velocity of the windshield wiper system,” it is clear that the back-lash eliminator has nothing to do with compensating for “**changes** in clearances of the mechanical system,” as recited in independent claims 19 and 28. In particular, the Dyer et al. reference indicates the following: a) “back-lash in windshield wiper mechanisms is particularly apparent . . . due to the clearances inherent in linkages”; and b) “**to abate the effects of excessive clearances** in the transmission and drive mechanism which result in wiper blade over-travel, the present invention utilizes resilient mechanism which is loaded or tensioned . . . [and] [i]n this manner the abrupt reversals of direction are reduced in intensity and over-travel of the blades is effectively prevented.” (Dyer et al. reference, col. 2, lines 29-40). Accordingly, the back-lash mechanism of the Dyer et al. reference is merely intended to reduce the effects of excessive clearances, not to compensate for **changes** in clearances as recited in independent claims 19 and 28.

Independent of the above, nothing in the Dyer et al. reference indicates that the back-lash mechanism in anyway compensates for **changes in clearances** of the mechanical system **as a function of** load changes or a service life of the mechanical system. The Dyer et al. reference indicates the following: “The load imposed by the spring arms 21 and 22 as they engage pins 25 and 24, respectively, at the ends of the wiper strokes, effectively prevents back-lash or over-travel of the wiper blades by absorbing energy during a part of the cycle, and releasing it during another part thereof.” (Col. 3, lines 19-24). Accordingly, the load imposed by the back-lash mechanism of the Dyer et al. reference merely serves as an energy

storage mechanism for storing, and subsequently releasing, energy, which is clearly different from the claimed limitation of providing compensation for ***changes in clearances*** of the mechanical system ***as a function*** of load changes or a service life of the mechanical system as recited in independent claims 19 and 28.

For the foregoing reasons, Applicant respectfully submits that claims 19 and 28, as well as their dependent claims 21, 25-27, 30 and 34-36, are patentable over the Dyer et al. reference.

IV. Claims Objections

The Examiner objected to claims 20, 22-24, 29, 31-33 and 37-40 as being dependent upon a rejected base claim, but the Examiner has indicated that these claims would be allowable if rewritten in independent form and include all of the limitations of the base claim and any intervening claim. Since claims 20, 22-24, 29, 31-33 and 37-40 ultimately depend on allowable claim 19 or allowable claim 28, claims 20, 22-24, 29, 31-33 and 37-40 are allowable in their present dependent form.

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.


The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

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